

Message Text

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43

ACTION IO-10

INFO OCT-01 EUR-12 ISO-00 IOE-00 EB-07 AID-05 AF-06 ARA-06

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TAGS: UNIDO, OCON

SUBJ: UNIDO - LIMA CONFERENCE AND NINTH SESSION OF THE
INDUSTRIAL DEVELOPMENT BOARD - RESERVATIONS TO LIMA
DECLARATION AND PLAN OF ACTION

REF: (A) VIENNA 2842; (B) LIMA 2558

1. AS REPORTED REF B, FINAL SECTIONS OF CONFERENCE REPORT
TO BE PREPARED IN VIENNA BY CONFERENCE RAPPORTEUR
(JACKSON, UK) ASSISTED BY HIS FRIENDS. THESE WILL COVER,
INTER ALIA, FINAL CONFERENCE ACTION ON LIMA DECLARATION
AND PLAN OF ACTION. GIVEN STATEMENT BY CONFERENCE
PRESIDENT IN CLOSING PLENARY SESSION THAT DELEGATIONS COULD
SUBMIT IN WRITING ANY RESERVATIONS THEY MIGHT HAVE ON THE DE-
CLARATION AND PLAN OF ACTION, OUR EXPECTATION HAS BEEN THAT
RESERVATIONS SUBMITTED BY US (REF A) AND OTHERS WOULD BE
REFLECTED IN APPROPRIATE FORM IN FINAL CONFERENCE REPORT.
RAPPORTEUR HAS ALSO BEEN MOVING ALONG THESE
LINES.

2. WE ARE INFORMED, HOWEVER, THAT DURING HIS RETURN
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TO VIENNA FROM LIMA, AFIFI (SENIOR ADVISER TO EXECUTIVE

DIRECTOR) HAD DISCUSSION IN NEW YORK OF THE QUESTION OF SUBMISSION OF RESERVATIONS BY DELEGATIONS WITH THE OFFICE OF THE UN LEGAL ADVISER. DISCUSSION REPORTEDLY CAME TO THE VIEW THAT, ONCE DELEGATIONS HAD REQUESTED AND WERE GIVEN THE OPPORTUNITY TO VOTE SEPARATELY ON VARIOUS PARAGRAPHS OF THE LIMA DECLARATION AND PLAN OF ACTION, THE SUBMISSION OF RESERVATIONS WITH RESPECT TO THESE PARAGRAPHS OR ANY OTHER PARTS OF THE DOCUMENT WAS INAPPROPRIATE. THE RATIONALE APPARENTLY UNDERLYING THIS CONCLUSION IS THAT (A) DELEGATIONS HAD ALREADY AN OPPORTUNITY TO EXPRESS THEIR POSITIONS ON THE PARAGRAPHS WHICH WERE VOTED SEPARATELY AND (B) SINCE IT HAD BEEN DECIDED TO HAVE VOTING IN PARTS, AS AGAINST ADOPTION IN TOTO BY CONSENSUS, DELEGATIONS WITH RESERVATIONS ON OTHER PARAGRAPHS SHOULD HAVE ASKED ALSO FOR SEPARATE VOTES ON THOSE POINTS. HAVING FAILED TO DO SO, THEY COULD NOT THEN SUBSEQUENTLY ENTER RESERVATIONS ON THOSE PARAGRAPHS.

3. SINCE AFIFI MAY TRY TO USE THIS LINE WITH RAPPORTEUR OR MAY INTRODUCE IT INTO DISCUSSIONS AT IDB-IX AS UN LEGAL VIEW, IT WOULD BE DESIRABLE FOR USUN TO CHECK THIS OUT DIRECTLY AT EARLY OPPORTUNITY WITH UN LEGAL ADVISER. IN THE MEANTIME MISSION INTENDS TO TAKE POSITION THAT COUNTRIES WHICH ENTERED RESERVATIONS PURSUANT TO PROCEDURE ESTABLISHED BY CONFERENCE PRESIDENT ARE ENTITLED TO HAVE THESE INCLUDED IN CONFERENCE REPORT.

4. IN ANY DISCUSSION OF ABOVE POINT WITH UN LEGAL ADVISER, MIGHT ALSO BE USEFUL FOR USUN TO OBTAIN READING ON QUESTION WHETHER REPORT OF LIMA CONFERENCE, INCLUDING DECLARATION AND PLAN OF ACTION, SHOULD BE SUBMITTED TO GA FOR INFORMATION AND APPROPRIATE ACTION BEFORE BEING FORMALLY LAID BEFORE IDB FOR FOLLOW-UP ACTION AS NECESSARY. PRIOR TO OUR DEPARTURE FOR LIMA WE DISCUSSED THIS POINT WITH UNIDO LEGAL ADVISER (KLOEPZIG) WHOSE VIEW WAS THAT SINCE LIMA WAS NOT CONVENED BY GA AS A PLENIPOTENTIARY CONFERENCE ITS FINDINGS AND RECOMMENDATIONS WOULD HAVE TO BE SUBMITTED LIMITED OFFICIAL USE

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TO GA BEFORE BEING ACTED UPON ELSEWHERE IN UN SYSTEM. WHILE SPECIFIC RECOMMENDATION TO GA ON CONVERSION OF UNIDO INTO SPECIALIZED AGENCY CLEARLY FALLS UNDER THIS PROCEDURE, WE ARE NOT CERTAIN WHETHER IT COULD BE ARGUED TO APPLY TO OTHER POINTS IN LIMA DOCUMENTS, SUCH AS ESTABLISHMENT OF INDUSTRIAL DEVELOPMENT FUND AND INSTITUTION OF A SYSTEM OF CONTINUOUS CONSULATIONS.

STIBRAVY

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